

**BOARD OF ENVIRONMENTAL REVIEW**  
**AGENDA ITEM**  
**EXECUTIVE SUMMARY FOR RULE ADOPTION**

**AGENDA # II. A.4.**

**AGENDA ITEM SUMMARY** The Water Protection Bureau requests that the Board modify and recodify the existing regulations pertaining to Subsurface Wastewater Treatment Systems. The rulemaking contains proposed new regulations that would replace the existing regulations that are proposed for repeal. The rulemaking also adopts a revised edition of Department Circular DEQ-4.

**LIST OF AFFECTED RULES** New rules I through X and repeal of ARM 17.36.901 through 17.36.910.

**AFFECTED PARTIES SUMMARY** These rules would affect all county governments implementing wastewater provisions in their counties. Individuals installing wastewater systems will be required to be in compliance with these minimum standards.

**SCOPE OF PROPOSED PROCEEDING** The Department is requesting adoption of rulemaking and hearing officer's report with responses to comment.

**BACKGROUND** The Water Protection Bureau has been working with a Subdivision Review Task Force for more than three years to update regulations for subsurface wastewater treatment systems and other regulations for subdivisions. This rule package is the last of three sets of rule updates that address subsurface wastewater treatment and subdivision regulations. This rulemaking revises regulations that govern subsurface wastewater treatment at the county level, ARM Title 17, Chapter 36, Sub-Chapter 9. The rules for subsurface wastewater treatment in subdivisions were adopted in December 2000 along with a design manual, Circular DEQ-4. The subdivision rules for water supply, storm drainage, solid waste disposal, application and review procedures were adopted in May 2002.

The rules that address county permits for construction of subsurface wastewater treatment systems are proposed for modification to more closely follow the requirements for subsurface wastewater treatment in subdivisions. The regulations will apply both within and outside subdivisions, however, the task force recommended consistency in the design of wastewater treatment systems regardless of where they were located. The task force also recommended adding four systems to design Circular DEQ-4 to address replacement for failed systems, and special situations where other treatment systems are not practical. These systems include: absorption beds, holding tanks, sealed (vaulted) pit privies, and unsealed pit privies. The task force has also revised other sections of DEQ-4 to incorporate current wastewater treatment technology, designs in the new EPA Onsite Wastewater Treatment Systems Manual, and to correct technical and clerical errors in the 2000 version.

**HEARING INFORMATION** A hearing was held November 18, 2002. before hearing examiner Thomas Bowe

**BOARD OPTIONS** The Board may:

1. Adopt the rulemaking, hearing officer's report and responses to comment;
2. Adopt the rulemaking and hearing officer's report with modifications; or
3. Not adopt the rulemaking and hearing officer's report.

**DEQ RECOMMENDATION** The Department recommends adoption of rulemaking and hearing officer's report with responses to comment.

**ENCLOSURES** Notice of Public Hearing on Proposed Adoption and Repeal  
Hearing Examiner Report  
Draft Notice of Adoption and Repeal